

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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WENDELL KEITH CAUSEY,

Case No. 2:23-cv-00421-RFB-EJY

Plaintiff,

**ORDER**

v.

HENDERSON POLICE DEPARTMENT,

Defendant.

On March 21, 2023, the Court issued a Screening Order granting Plaintiff's request to proceed *in forma pauperis*. ECF No 3. In the same Order the Court found Plaintiff failed to state a Section 1983 claim against the Henderson Police Department ("HPD") under the *Monell* doctrine. *Id.* The Court discussed Plaintiff's Eighth Amendment claim, but erroneously failed to provide Plaintiff an opportunity to restate his excessive force claim under the Eighth Amendment. Nevertheless, like Plaintiff's allegations against HPD, Plaintiff's allegations against an unnamed jailor were insufficient to allow the claim to proceed.

The Court's Order gave Plaintiff one opportunity to file an amended complaint that pleaded sufficient facts to state a claim either against the HPD under *Monell* or against the unnamed jail employee on the grounds of excessive force. *Id.* at 4-5. The Court granted Plaintiff until April 28, 2023 to file his amended complaint, explaining that if Plaintiff failed to comply with the Order, it would recommend dismissal of this action without prejudice. *Id.* at 5. As of the date of this Recommendation, Plaintiff has not complied with the Court's Order.

Given the Court's failure to provide Plaintiff notice of the need to replead his Eighth Amendment claim, the Court grants Plaintiff one additional opportunity to amend his complaint.

Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have through and including **June 9, 2023** to file a first amended complaint. The first amended complaint must be submitted on the form provided by the Court, which is being mailed to Plaintiff. The first amended complaint

1 must address the deficiencies noted in the Court's March 21, 2023 Order, which the Court is also  
2 mailing to Plaintiff.

3 IT IS FURTHER ORDERED that the Clerk of Court **will** mail a copy of the instructions and  
4 form for filing a pro se, non-prisoner civil complaint with the U.S. District Court for the District of  
5 Nevada. The Clerk of Court will also send Plaintiff a copy of the Court's March 21, 2023 Order  
6 (ECF No. 3).

7 IT IS FURTHER ORDERED that Plaintiff's failure to file a first amended complaint on or  
8 before **June 9, 2023** will result in a recommendation that this matter be dismissed in its entirety.

9 DATED this 10th day of May, 2023.

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12 ELAYNA J. YOUCHAH  
13 UNITED STATES MAGISTRATE JUDGE  
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